GOVERNMENT OF INDIA
LAW , JUSTICE AND COMPANY AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:747
ANSWERED ON:18.07.2002
SUPREME COURT RULING OVER REGARDING ELECTION TO DEMOCRATIC INSTITUTIONS
NAWAL KISHORE RAI;RAMJI LAL SUMAN

Will the Minister of LAW , JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether the Supreme Court had directed new guidelines for all the candidates seeking election to all the democratic institutions within a period of two months ending on July 1, 2002;

(b) if so, the details thereof; and

(c) whether the Government have enacted a law to make these guidelines mandatory for candidates seeking elections?

Answer

MINISTER OF LAW AND JUSTICE (SHRI K. JANA KRISHNAMURTHI)

(a) to (c) The Supreme Court in its judgement dated 2.5.2002directed the Election Commission of India to issue orders within a period of 2 months ending 1.7.2002 calling for the following information on affidavit from candidates at elections:-

(i) Whether the candidate is convicted/acquitted/discharged of any criminal offence in the past if any, whether he is punished with imprisonment or fine.

(ii) Prior to six months of filing of the nomination, whether the candidate is accused in any pending case, of any offence punishable with imprisonment for two years or more, and in which charge is framed or cognizance is taken by the court of law. If so, the details thereof.

(iii) The assets (immovable, movable, bank balance etc.) of a candidate and of his/her spouse and that of his dependents.

(iv) Liabilities, if any, particularly as regards dues of any public financial institution or government.

(v) The educational qualifications of the candidate.

The Government had discussed the issue with the political parties on 8.7.2002 wherein unanimous view was expressed that only Parliament had the power to legislate on this matter. The meeting also expressed the view that there was need to curb criminalisation in politics by enacting suitable legislation in consultation with the political parties. A draft Bill has been circulated to the political parties to ascertain their views.